

DRAFT

DOCUMENT #1

FOND DU LAC RESERVATION

**EPA REQUEST FOR APPROVAL
TO IMPLEMENT
WATER QUALITY STANDARDS**

MAY 1995

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May, 1995

Mr. Valdas Adamkus
Regional Administrator
U.S. Environmental Protection Agency
Region V
230 South Dearborn Street
Chicago, Illinois 60604

DRAFT

Dear Mr. Adamkus:

The Fond du Lac tribe requests program approval from the U.S. Environmental Protection Agency (EPA) for the purposes of the Clean Water Act section 303(c) water quality standards and section 401 certification programs.

Sec. 106 The Fond du Lac tribe was previously approved by the EPA to administer the Clean Water Act program. Please rely on documents previously submitted to support our request for the Clean Water Act program as well as the documents submitted herewith, as the basis for this consideration.

The tribe is seeking program approval with regard to functions to be carried out under Clean Water Act sections 303(c) and 401 pertaining to the management and protection of all water resources held by the tribe, held by the U.S. in trust for Indians, held by a member of an ~~Indian~~ tribe if such property interest is subject to a trust restriction on alienation, or otherwise within the borders of the Fond du Lac reservation.

Enclosed are three documents that provide additional information as part of our application:

- Statement of the basis for tribal authority (Enclosure 1);
- Map of the reservation and an identification of the surface waters for which water quality standards will be adopted (Enclosure 2); and
- Narrative statement describing tribal capacity (Enclosure 3).

Please contact me directly when EPA has made its decision. If your office has any questions regarding these application materials, please contact Joel Peterson of my staff.

Sincerely,

Fond du lac Reservation
Tribal Chairman

ENCLOSURE 1

STATEMENT OF FOND DU LAC TRIBAL AUTHORITY TO REGULATE WATER QUALITY

I. BASIS OF AUTHORITY

The Fond du Lac tribe is part of the Minnesota Chippewa Tribe, a federally recognized Indian Tribe organized under Section 16 of the Indian Reorganization Act, 48 Stat. 984 (1934). The Fond du Lac reservation was set aside by the Treaty with the Chippewa of 1854, 10 Stat. 1109, and is federally recognized.

The Fond du Lac tribe is governed by the Minnesota Chippewa Tribe Constitution and By-laws, adopted in 1963, and approved by the U.S. Department of Interior in 1964, which delegates governing authority for each of six Chippewa Tribe reservations to Reservation Tribal Councils. The federal act for the organization of Indian Tribes is set forth in 25 U.S.C. 476 et. seq.

The Fond du Lac tribe derives its authority to regulate and set water quality standards applicable to the entire reservation from its inherent powers as a sovereign including its power to protect the health and safety of all persons within the exterior boundaries of the reservation. The sovereign power of the Tribe is recognized in the Commerce Clause to the U.S. Constitution and in well-established principles of Federal Indian Law as set forth in opinions of the U.S. Supreme Court. See, e.g., Worcester v. Georgia, 31 U.S. (6 Pet.) 515, 559 (1832); Williams v. Lee, 358 U.S. 217 (1959); McClanahan v. Arizona State Tax Comm'n, 411 U.S. 164 (1973); United States v. Wheeler, 435 U.S. 313, 327 (1978); Montana v. United States, 450 U.S. 544, 564-66 (1981); Merrion v. Jicarilla Apache Tribe, 455 U.S. 324, 334 n.16 (1983); National Farmers Union Ins. Co. v. Crow Tribe, 471 U.S. 845 (1985); Iowa Mutual Ins. Co. v. LaPlante, 480 U.S. 9, 18 (1987); Brendale v. Confederated Tribes and Bands of the Yakima Nation, 492 U.S. 408 (1989).

The U.S. Supreme Court has also recognized the rights of Indian Tribes to the use of water which arise on, border, traverse, underlie or are encompassed within an Indian Reservation whether created by treaty, agreement, executive order, congressional act, or secretarial order. See, Winters v. United States, 207 U.S. 564 (1908); Arizona v. California, 373 U.S. 546 (1963).

In addition, the Fond du Lac tribe has delegated authority by virtue of the Minnesota Chippewa Tribe Constitution:

The Business Committee (Reservation Tribal Council) shall be authorized to manage, lease, permit or otherwise deal with tribal lands, interest in lands or other tribal assets, when authorized to do so by the Tribal Executive Committee but no such authorization shall be necessary in the case of lands or assets owned exclusively by the Reservation. Constitution and By-laws of the Minnesota Chippewa Tribe, Article VI, Section 1(c).

Tribal members use the reservation surface waters for which the Tribe may set water quality standards for a variety of purposes including fishing, stock watering, and public water supply. In addition, surface water quality affects the water quality of reservation groundwater that is a source of drinking water for individual wells of tribal members. Thus, the tribal members could be exposed to pollutants present in, or introduced into, those waters as a result of improper management of water quality or regulation of water pollution sources. For this reason, and the fact

that the mobile nature of pollutants in surface and ground waters makes it practically very difficult to separate out the effects of water quality impairment on non-Indian fee land from those on tribal portions, the Tribe finds that establishment of tribal water quality standards for reservation waters including waters on non-Indian fee lands, is necessary to proper management of reservation water quality and protection of tribal health and welfare.

In addition, the Tribe finds that the potential impact on tribal members of improperly regulated water quality is so significant that it meets not only the Montana test but also the interim ? operating rule adopted by EPA, requiring Tribes to show "that the potential impacts of regulation activities on the tribe are serious and substantial." 56 Fed. Reg. 64, 878 (1991). Reservation waters and critical habitat are subject to protection under the Clean Water Act, in part because improperly regulated water pollution can have serious and substantial impacts on human health and welfare. EPA states that the activities regulated under the various EPA statutes "generally have serious and substantial impacts on human health and welfare." Similarly, the potential impact on the health and welfare of tribal members from improperly regulated sources of pollution is so serious and substantial that appropriate water quality management and regulation by the Tribal Governor is necessary under tribal law and the Clean Water Act.

Chairman

II. DOCUMENTS

Copies of the following relevant documents support the Tribe's authority are attached:

Attachment A. Tribal Council Resolution

Attachment B. Treaty with the Chippewa, 1854

Attachment C. Constitution and By-laws

ATTACHMENT A
TRIBAL COUNCIL RESOLUTION

The Fond du Lac reservation business committee, on behalf of the Fond du Lac Band of Lake Superior Chippewa, hereby enacts the following resolution:

Whereas, the Fond du Lac Reservation is a sovereignty, created by the Treaty of September 30, 1954 10 Stat. 1109, as the perpetual home of the Fon Band of Lake Superior Chippewa, which possesses the inherent jurisdiction and authority to exercise regulatory control within the boundaries of the Fond du Lac Reservation, and

Whereas, the Fond du Lac Band of the Lake Superior Chippewa is a federally recognized Indian Tribe with the inherent sovereign authority and delegable authority through its government to government relationship with the United States to regulate activities and their impacts on the Band's natural resources including waters of the reservation, and

Whereas, the governing body of the Fond du Lac Band of the Minnesota Chippewa Tribe is the Reservation Business Committee (Reservation Tribal Council) pursuant to Article III, Section 2 of the Minnesota Chippewa Tribe Constitution, and

Whereas, it is the sovereign obligation of the Fond du Lac Reservation Business Committee, as the Governing Body of the Fond du Lac Band, under the Indian Reorganization Act, 25 U.S.C. Section 461 et seq., and in accordance with the Indian Self Determination Act, 25 U.S.C. section 450 et seq., to assume responsibilities of Self-Government, and

Whereas, the Reservation Tribal Council has never relinquished its regulatory authority over all such bodies of water to the United States Government or any state government or agencies thereof; and

Whereas, the Band retains inherent water use rights to ensure the future viability of the Fond du Lac Band Reservation as a permanent homeland for the Band and Band members, and

Whereas, the Reservation Tribal Council desires to protect and preserve the religious, cultural, and historic values, and pristine natural characteristics of all of the Band's waters and resources, including adjacent waters within the boundaries of the Reservation for present and future generations, and

Whereas, the Band and the United States maintain a government to government relationship, and

Whereas, one method to ensure that the Band protect all of its resources, in addition to the exercise of its inherent authority is to implement water quality standards pursuant to the Federal Water Pollution Control Act, and through its government to government relationship with the United States, and

Whereas, the Band maintains as its goal to restore and maintain the chemical, physical, and biological integrity of its water resources and intends to accomplish this goal by eliminating discharge of pollutants into the Band's water bodies and to attain water quality standards protective of fish and wildlife and suitable for recreational purposes and those other uses - designated by the Band, and

Whereas, the Reservation Tribal Council has determined to file an application pursuant to 33 U.S.C. 1377 (e) and 40 C.F.R. 131.8 to be "treated as a state" for the purposes of regulating the Band's water resources, and

Whereas, the Reservation Tribal Council finds that the Band and Band members use the Band's water resources for many purposes, as shown in the Band's list of designated uses for Band water bodies, including but not limited to fishing, gathering wild rice, recreation and various traditional activities and that the Band and Band members are subject to coming into contact with pollutants in such water resources, and

Whereas, the Reservation Tribal Council finds that the Band's water resources provide support for wildlife and many different varieties of fisheries upon which Band members rely for various purposes, and

Whereas, the Tribal Council finds that impairment of the Band's water resources by activities of all persons, including non-members and non-Indians can have a serious and substantial effect on the health and welfare of the Band and Band members, and

Whereas, the Band has satisfied all of the requirements of 33 U.S.C. 1377(e) and 40 C.F.R. 131.8 to be treated as a state for the purposes of regulating water resources pursuant to the Federal Water Pollution Control Act, and

Whereas, the Reservation Tribal Council is in the process of developing water quality standards for all of the Band's water bodies to implement pursuant to the Federal Water Pollution Control Act,

Now Therefore Be It Resolved, that the Reservation Tribal Council does hereby submit to the U.S. Environmental Protection Agency for review and approval its application for treatment as a state pursuant to 33 U.S.C. 1377(e) and 40 C.F.R. 131.8; and we do hereby certify that the foregoing resolution was duly adopted by a vote of () **for**, () **against**, at a meeting of the Reservation Tribal Council, a quorum present, held on **the** **day** of 1995.

Tribal Chairman

Secretary/Treasurer

ATTACHMENT B

TREATY WITH THE CHIPPEWA, 1854

Sept. 30, 1854.
10 Stat., 1109.
Ratified Jan. 10, 1855.
Proclaimed Jan. 29,
1855.

Articles of a treaty made and concluded at La Pointe, in the State of Wisconsin, between Henry C. Gilbert and David B. Herriman, commissioners on the part of the United States, and the Chippewa Indians of Lake Superior and the Mississippi, by their chiefs and head-men.

Cession to the United States by the Chippewa of Lake Superior.

ARTICLE 1. The Chippewas of Lake Superior hereby cede to the United States all the lands heretofore owned by them in common with the Chippewas of the Mississippi, lying east of the following boundary-line, to wit: Beginning at a point, where the east branch of Snake River crosses the southern boundary-line of the Chippewa country, running thence up the said branch to its source, thence nearly north, in a straight line, to the mouth of East Savannah River, thence up the St. Louis River to the mouth of East Swan River, thence up the East Swan River to its source, thence in a straight line to the most westerly bend of Vermillion River, and thence down the Vermillion River to its mouth.

Relinquishment to Chippewa of Mississippi by Chippewa of Lake Superior.

The Chippewas of the Mississippi hereby assent and agree to the foregoing cession, and consent that the whole amount of the consideration money for the country ceded above, shall be paid to the Chippewas of Lake Superior, and in consideration thereof the Chippewas of Lake Superior hereby relinquish to the Chippewas of the Mississippi, all their interest in and claim to the lands heretofore owned by them in common, lying west of the above boundary-line.

Reservation for Chippewa of Lake Superior.

ARTICLE 2. The United States agree to set apart and withhold from sale, for the use of the Chippewas of Lake Superior, the following-described tracts of land, viz:

1st. For the L'Anse and Vieux De Sert bands, all the unsold lands in the following townships in the State of Michigan: Township fifty-one north range thirty-three west: township fifty-one north range thirty-two west: the east half of township fifty north range thirty-three west: the west half of township fifty north range thirty-two west, and all of township fifty-one north range thirty-one west, lying west of Huron Bay.

2d. For the La Pointe band, and such other Indians as may see fit to settle with them, a tract of land bounded as follows: Beginning on the south shore of Lake Superior, a few miles west of Montreal River, at the mouth of a creek called by the Indians Ke-che-se-be-we-she, running thence south to a line drawn east and west through the centre of township forty-seven north, thence west to the west line of said township, thence south to the southeast corner of township forty-six north, range thirty-two west, thence west the width of two townships, thence north the width of two townships, thence west one mile, thence north to the lake shore, and thence along the lake shore, crossing Shag-waw-me-quon Point, to the place of beginning. Also two hundred acres on the northern extremity of Madeline Island, for a fishing ground.

3d. For the other Wisconsin bands, a tract of land lying about Lac De Flambeau, and another tract on Lac Court Orielles, each equal in extent to three townships, the boundaries of which shall be hereafter agreed upon or fixed under the direction of the President.

4th. For the Fond Du Lac bands, a tract of land bounded as follows: Beginning at an island in the St. Louis River, above Knife Portage, called by the Indians Paw-paw-seo-me-me-tig, running thence west to the boundary-line heretofore described, thence north along said boundary-line to the mouth of Savannah River, thence down the St. Louis River to the place of beginning. And if said tract shall contain

less than one hundred thousand acres, a strip of land shall be added on the south side thereof, large enough to equal such deficiency.

5th. For the Grand Portage band, a tract of land bounded as follows: Beginning at a rock a little east of the eastern extremity of Grand Portage Bay, running thence along the lake shore to the mouth of a small stream called by the Indians Maw-ske-gwaw-caw-maw-se-be, or Cranberry Marsh River, thence up said stream, across the point to Pigeon River, thence down Pigeon River to a point opposite the starting-point, and thence across to the place of beginning.

6th. The Ontonagon band and that subdivision of the La Pointe band of which Buffalo is chief, may each select, on or near the lake shore, four sections of land, under the direction of the President, the boundaries of which shall be defined hereafter. And being desirous to provide for some of his connections who have rendered his people important services, it is agreed that the chief Buffalo may select one section of land, at such place in the ceded territory as he may see fit, which shall be reserved for that purpose, and conveyed by the United States to such person or persons as he may direct.

7th. Each head of a family, or single person over twenty-one years of age at the present time of the mixed bloods, belonging to the Chippewas of Lake Superior, shall be entitled to eighty acres of land, to be selected by them under the direction of the President, and which shall be secured to them by patent in the usual form.

ARTICLE 3. The United States will define the boundaries of the reserved tracts, whenever it may be necessary, by actual survey, and the President may, from time to time, at his discretion, cause the whole to be surveyed, and may assign to each head of a family or single person over twenty-one years of age, eighty acres of land for his or their separate use; and he may, at his discretion, as fast as the occupants become capable of transacting their own affairs, issue patents therefor to such occupants, with such restrictions of the power of alienation as he may see fit to impose. And he may also, at his discretion, make rules and regulations, respecting the disposition of the lands in case of the death of the head of a family, or single person occupying the same, or in case of its abandonment by them. And he may also assign other lands in exchange for mineral lands, if any such are found in the tracts herein set apart. And he may also make such changes in the boundaries of such reserved tracts or otherwise, as shall be necessary to prevent interference with any vested rights. All necessary roads, highways, and railroads, the lines of which may run through any of the reserved tracts, shall have the right of way through the same, compensation being made therefor as in other cases.

Survey and patents
of reservation.

ARTICLE 4. In consideration of and payment for the country hereby ceded, the United States agree to pay to the Chippewas of Lake Superior, annually, for the term of twenty years, the following sums, to wit: five thousand dollars in coin; eight thousand dollars in goods, household furniture and cooking utensils; three thousand dollars in agricultural implements and cattle, carpenter's and other tools and building materials, and three thousand dollars for moral and educational purposes, of which last sum, three hundred dollars per annum shall be paid to the Grand Portage band, to enable them to maintain a school at their village. The United States will also pay the further sum of ninety thousand dollars, as the chiefs in open council may direct, to enable them to meet their present just engagements. Also the further sum of six thousand dollars, in agricultural implements, household furniture, and cooking utensils, to be distributed at the next annuity payment, among the mixed bloods of said nation. The United States will also furnish two hundred guns, one hundred rifles, five hundred beaver-traps, three hundred dollars' worth of ammuni-

Payments for said
cession.

tion, and one thousand dollars' worth of ready-made clothing, to be distributed among the young men of the nation, at the next annuity payment.

Blacksmiths and assistants.

ARTICLE 5. The United States will also furnish a blacksmith and assistant, with the usual amount of stock, during the continuance of the annuity payments, and as much longer as the President may think proper, at each of the points herein set apart for the residence of the Indians, the same to be in lieu of all the employees to which the Chippewas of Lake Superior may be entitled under previous existing treaties.

Annuities not to be withheld for debt, but may be for depredations.

ARTICLE 6. The annuities of the Indians shall not be taken to pay the debts of individuals, but satisfaction for depredations committed by them shall be made by them in such manner as the President may direct.

Spirituuous liquors.

ARTICLE 7. No spirituuous liquors shall be made, sold, or used on any of the lands herein set apart for the residence of the Indians, and the sale of the same shall be prohibited in the Territory hereby ceded, until otherwise ordered by the President.

Division between Chippewa of Mississippi and of Lake Superior of benefits of former treaties.

ARTICLE 8. It is agreed, between the Chippewas of Lake Superior and the Chippewas of the Mississippi, that the former shall be entitled to two-thirds, and the latter to one-third, of all benefits to be derived from former treaties existing prior to the year 1847.

Arrearages.

ARTICLE 9. The United States agree that an examination shall be made, and all sums that may be found equitably due to the Indians, for arrearages of annuity or other thing, under the provisions of former treaties, shall be paid as the chiefs may direct.

Preemption.

ARTICLE 10. All missionaries, and teachers, and other persons of full age, residing in the territory hereby ceded, or upon any of the reservations hereby made by authority of law, shall be allowed to enter the land occupied by them at the minimum price whenever the surveys shall be completed to the amount of one quarter-section each.

Annuities, how paid.

ARTICLE 11. All annuity payments to the Chippewas of Lake Superior, shall hereafter be made at L'Anse, La Pointe, Grand Portage, and on the St. Louis River; and the Indians shall not be required to remove from the homes hereby set apart for them. And such of them as reside in the territory hereby ceded, shall have the right to hunt and fish therein, until otherwise ordered by the President.

Stipulations for Bois Forte Indians.

ARTICLE 12. In consideration of the poverty of the Bois Forte Indians who are parties to this treaty, they having never received any annuity payments, and of the great extent of that part of the ceded country owned exclusively by them, the following additional stipulations are made for their benefit. The United States will pay the sum of ten thousand dollars, as their chiefs in open council may direct, to enable them to meet their present just engagements. Also the further sum of ten thousand dollars, in five equal annual payments, in blankets, cloth, nets, guns, ammunition, and such other articles of necessity as they may require.

They shall have the right to select their reservation at any time hereafter, under the direction of the President; and the same may be equal in extent, in proportion to their numbers, to those allowed the other bands, and be subject to the same provisions.

They shall be allowed a blacksmith, and the usual smithshop supplies, and also two persons to instruct them in farming, whenever in the opinion of the President it shall be proper, and for such length of time as he shall direct.

It is understood that all Indians who are parties to this treaty, except the Chippewas of the Mississippi, shall hereafter be known as the Chippewas of Lake Superior. *Provided*, That the stipulation by which the Chippewas of Lake Superior relinquishing their right to land west

ATTACHMENT C

CONSTITUTION AND BY-LAWS

ENCLOSURE 2

IDENTIFICATION OF FOND DU LAC SURFACE WATERS

LAKES AND STREAMS

LAKE	FISH SPECIES	ACREAGE	DEPTH	WILD RICE	TWN/RGE/SCT
Bang	northernpike black bullhead yellow perch white sucker	53	9 ft.	yes	48N/19W/1, 2
Big Lake	northern pike walleye largemouth bass pumpkinseed green sunfish blue gill black crappie yellow perch white sucker blk & brn bullhead muskie	566	25ft.	no	49N/18W/20, 21, 28, 33
Cedar	yellowperch blk/brn bullhead	59	6ft.	yes	49N/18W/10, 15
Dead Fish	bullheads northern pike (winter kills)	101	3 ft.	yes	49N/19W/1, 12
East Twin	unknown	120	N/A	no	50N/18W/23, 24, 25, 26
First Lake	none	24	6ft.	no	49N/17W/21
Hardwood	northernpike (winter kills)	100	6ft.	yes	49N/18W/5, 6
Jaskari	northern pike yellow perch blk & brn bullhead (winter kills)	79	6 ft.	yes	48N/19W/1, 2
Lac	northern pike yellow perch white sucker	7.9	25 ft.	no	49N /19W/12, 13

Lost	northern pike bluegill walleye large mouth bass yellow perch white sucker	142	9 ft.	no	50N/18W/29, 30
Martin	northern pike bass rainbow trout brook trout brown trout	71	77ft.	no	50N/19W/12
Mud	northern pike black bullhead sunfish	151	5 ft.	yes	49N/19W/13, 14,
Pat Martin	black crappie pumpkinseed (sf) yellow perch large mouth bass brown bullhead	36.8	13.5 ft.	no	50N/19W/12
Perch	northern pike yellow perch bullhead large mouth bass	657	25 ft.	yes	48N/18W/6, 29, 30, 31 48N/19W/1 49N/18W/6 49N/19W/36
Rice Portage	bullhead northern pike (winter kills)	113	4 ft.	yes	49N/19W/25, 26
Side	unknown	20	unknown		50N/18W/32
Simian	northern pike black bullhead	76	15 ft.	no	50N/17W/29
Sofie	northern pike blue gill black crappie yellow perch brown bullhead	3S	13	no	49N/18W/29, 32
Spring	northern pike yellow perch brown bullhead white sucker	33	4 ft.	no	48N/19W/1
Spruce	northern pike yellow perch	11	17ft.	no	49N/19W/27
Third Lake	black crappie bullhead	16	19 ft.	no	49N/17W/21

West Twin	northern pike pumpkin seed (sf) black crappie walleyes black bullhead yellow perch	121	18 ft.	no	50N/18W/23, 26
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Wild Rice	northern pike (winter kills)	53.6	4 ft.	yes	48N/18W/3
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Second Lake (not previously listed)					49N 17W 21
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STREAMS AND RIVERS

Annamhasung Creek					48N/19W/2 49N/19W/26, 27, 34, 35
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Martin Branch					50N/18W/4, 5, 7, 8 50N/19W/12
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Otter Creek					48N/17W/3 49N/17W/19, 20, 28, 29, 30, 32, 33 49N/18W/25, 26
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Simian Creek					49N/17W/6 49N/18W/1, 2, 10 50N/17W/29, 30, 31, 32 50N/18W/25, 36
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Spring Creek					50N/18W/4, 5
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Squaw Creek					49N/17W/9, 16, 18, 20, 21
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Stoney Brook					49N/18W/6, 17, 18, 19, 30 49N/19W/25 50N/18W/3, 4, 9, 16, 28, 31, 32, 33 50N/19W/14, 23, 25 51N/18W/34
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St. Louis River					49N/17W/3, 4 50N/17W/7, 15, 16, 17, 18, 22, 26, 27, 33, 34 50N/18W/1, 2, 12 51N/18W/27, 28, 29, 30, 34, 35, 36 51N/19W/25, 26, 27, 28, 29, 30
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ENCLOSURE 3

STATEMENT OF TRIBAL CAPABILITY

The Fond du Lac tribe is capable of administering an effective water quality standards program based on the following information:

I. PREVIOUS MANAGEMENT EXPERIENCE

The Fond du Lac tribe has the capability to administer an effective water quality standards program, as demonstrated by its existing administrative experience. The Tribe currently employs (#) of people in tribal government, and the tribe manages a wide range of programs, including those authorized by the Indian Self-Determination and Education Assistance Act, the Indian Mineral Development Act, or the Indian Sanitation Facility Construction Activity Act. Such programs include the Fond du Lac water and mineral authority, the Indian child welfare program, and the women's and children's program.

II. ENVIRONMENTAL/PUBLIC HEALTH PROGRAMS

The Fond du Lac tribe has established the following committees to oversee environmental and public health concerns:

Health and Environment Committee - The role of this group is to address the public health and environmental protection of the population, the air, the water and land resources of the reservation.

Water and Natural Resources Committee - The role of this group is to address the fish and wildlife, forestry and mining resources of the reservation.

In addition, the Fond du Lac tribe has established the following organizational management units to implement on-going federal, state and tribal programs concerning the health and environment, as well as the water and natural resources, of the reservation:

Division of Health and Environment

Division of Water and Natural Resources

In addition, the Fond du Lac tribe has extensive experience and knowledge in the management of the water resources of the reservation. In 1989, the U.S. Geological Survey, in cooperation with the Fond du Lac Reservation Business Committee, completed a report on the water resources of the Fond du Lac reservation (Water Resources Investigations Report 88-4114). This report identifies the ground and surface water supplies of the reservation, the quality and quantity of such resources, and the annual water use on the reservation.

III. EXECUTIVE, LEGISLATIVE AND JUDICIAL

The Fond du Lac Tribal Chairman serves as the principal officer of the reservation, with full authority to enter into duly approved contracts and agreements on behalf of the Fond du Lac tribal council. The Tribal Chairman works closely with the Tribal Council and the Tribal Council Executive Committee.

The Tribal Council is comprised of (#) members who are elected for (# of years) terms by all members of the Fond du Lac reservation. The Executive Committee is comprised of (#) of members (Chairman, Vice Chairman, Secretary, Treasurer). The Tribal Council has authority to approve or disapprove legislation and budgets for the Fond du Lac tribe, and may authorize the Tribal Chairman to enter into contracts and agreements on behalf of the Fond du Lac Tribal Council.

The Fond du Lac tribal judicial system includes a Criminal Court, Civil Court, Juvenile Court, and the Court of Appeals.

IV. ADMINISTARTING AGENCY

The water quality program will be responsible for establishing, reviewing, implementing and revising tribal water quality standards. The water quality program will work closely with the oversight health committee. Final approval of water quality standards will be the responsibility of the Tribal Council.

(Inclusion of an organizational chart is recommended.)

V. TECHNICAL AND ADMINISTRATIVE CAPABILITIES

In addition to the management experience described in section I, the Fond du Lac tribe will be submitting an application to EPA Region VII to receive grant funding under the Clean Water Act, section 106. When this grant funding is received, the Tribe will use the funds to employ a water quality analyst whose responsibilities will include development and periodic review of tribal water quality standards pursuant to CWA section 303(c) requirements.

ITEMS TO BE RESOLVED

DOCUMENT #1

EPA REQUEST TO IMPLEMENT WATER QUALITY STANDARDS

STATEMENT OF TRIBAL AUTHORITY - ENCLOSURE 1 (Page 2)

1. Examples of specific water resource problems on the reservation recommended.

TRIBAL COUNCIL RESOLUTION - ATTACHMENT A (Page 4)

2. Need tribal council approval of proposed resolution.

CONSTITUTION AND BY-LAWS - ATTACHMENT B (Page 9)

3. Copy of Fond du Lac Constitution and By-laws needed.

*are these
different from
map?*

IDENTIFICATION OF SURFACE WATERS - ENCLOSURE 2 (Page 10)

4. Waters are identified but a reproducible 8 1/2 x 11 copy of Fond du Lac map may be needed.

*use 1565
map*

NARRATIVE OF TRIBAL CAPACITY - ENCLOSURE 3 (Page 13)

5. Clarification of Fond du Lac organizational structure, committees, budget, and personnel numbers needed.